

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2648 - SB 2519

February 5, 2012

SUMMARY OF BILL: Prohibits a guardian ad litem from being appointed for any respondent, age 60 years or older, to a petition for appointment of a conservator. Requires the hearing on a petition for appointment of a conservator to be held 30 to 60 days from the date of service on the respondent. Prohibits the awarding of emergency conservatorships. Requires the notice of the hearing to contain a statement alerting the respondent that all rights, liberties, property, and freedom may be lost if the conservatorship is granted. Prohibits the hearing from being held ex parte unless three licensed physicians provide sworn affidavits stating the severe detriment to the respondent's physical health to attend the hearing. Grants the court discretion in charging the costs of the proceedings against the respondent's property. Requires the court to consider medical evidence prior to a fiduciary being appointed. Requires the hearings on petitions to discharge or modify a conservator appointment be held on an emergency basis and be held within seven days from the date of service on the conservator. Requires the court to remove the conservator and dissolve the original order if the petitioner proved that the disabled individual is not in need of assistance. The respondent to a petition shall retain access to his or her property until the need for a conservatorship is established and shall be permitted to retain an attorney of his or her choosing.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Commission on Aging and Disability, the proposed changes will not have a fiscal impact on the guardian program.
- According to the Department of Mental Health, the process for the appointment of a conservator of an inpatient services recipient who cannot give informed consent can be completed within the time period during which treatment can be provided to protect the health of the services recipient and the safety of others without a significant fiscal impact.
- A small change in cases in the court system and the time in which those cases are finalized, which will result in a change in state and local government expenditures for processing the cases and state and local government revenue from fees, taxes, and costs collected. The net impact of this change to expenditures and revenue is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/kml